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Agenda item 16

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SEVENTH SESSION

Australia,* Austria, Belarus, Belgium,* Brazil, Bulgaria, Canada, Czech Republic, Denmark, El Salvador, Estonia,* Finland,* France, Gabon, Germany, Greece,* Honduras,* India, Ireland, Italy, Madagascar, Netherlands, New Zealand,* Nicaragua, Norway,* Philippines, Portugal,* Romania,* Slovakia,* Slovenia,* Spain,* Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution

1997/... Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Reaffirming its resolution 1996/25 of 19 April 1996,

Recalling the terms of reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as defined by the Commission and its particular responsibilities established, inter alia, in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970, and the relevant resolutions of the General Assembly,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also its resolution 1992/66 of 4 March 1992, in which it provided certain guidelines for the work of the Sub-Commission, and Economic and Social Council resolution 1991/32 of 31 May 1991 on strengthening the independence of the expert members of the Sub-Commission,

Taking note of the report of the working group on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1994/3) and of Sub-Commission decision 1994/117 of 26 August 1994,

Taking note also of the reports of the Sub-Commission and its Chairman on the forty-eighth session (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41 and E/CN.4/1997/79),

1. Reaffirms that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

2. Expresses its appreciation of the steps undertaken by the Sub-Commission to reform and improve its methods of work, in particular the rationalization of its draft provisional agenda for its forty-ninth session, the initiation of a study on how to revise its work schedule for improved consultation among members (decision 1996/112), the decision to limit the initiation of new studies (decision 1996/113), the compilation of the existing rules of procedure and procedural questions to be resolved (decision 1996/114) and the decision to avoid duplication with the work of the Commission on Human Rights by not taking action during its forty-ninth session on human rights situations under consideration in the public procedures of the Commission (decision 1996/115);

3. Requests the Sub-Commission to continue thoroughly reviewing its working methods with a view to improving further its efficiency and avoiding duplication with the Commission and its mechanisms, taking into account the views of Member States, and, in this context, calls upon the Sub-Commission

(a) To focus on its primary role as an advisory body of the Commission on Human Rights;

(b) To refrain henceforth from duplicating action by the Commission on Human Rights with regard to country situations under consideration in the public procedures of the Commission unless, in exceptional cases, new and particularly grave circumstances arise;

(c) To give particular attention to the process of selection of studies and, when choosing subjects for study, to take into account recommendations of the Commission on Human Rights and the treaty bodies, explaining the choice made so as to enable the Commission adequately to assess the need for a specific study;

(d) To improve further the independence and the impartiality of Sub-Commission members, in particular in discussions concerning the situation in a State of which a member of the Sub-Commission is a national;

(e) To facilitate efficient and effective participation of non-governmental organizations;

(f) To improve consultations with special rapporteurs undertaking studies for the Sub-Commission;

(g) Further to enhance cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies, including the human rights treaty bodies and relevant United Nations research institutions;

(h) To focus strictly on questions relating to human rights in accordance with its mandate;

4. Calls upon the Sub-Commission to devote sufficient time at its forty-ninth session to the discussion of its working methods and to prepare specific recommendations on that issue for consideration by the Commission on Human Rights;

5. Reaffirms that members of the Sub-Commission should discharge their functions in their personal capacity and calls upon States to nominate as members and alternates independent experts of recognized competence in the field of human rights, as well as to respect fully the independence of elected members and alternates;

6. Requests States nominating candidates for the Sub-Commission to submit nominations sufficiently early to enable the members of the Commission to assess thoroughly the qualifications of the nominees;

7. Requests the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all the official United Nations languages in good time before the session;

8. Also requests the Secretary-General in responding to requests from the Sub-Commission to solicit information from Governments and intergovernmental and non-governmental organizations, to agree to such requests only after they have been approved by the Commission on Human Rights;

9. Invites the Chairman of the Commission to inform the Sub-Commission on the debate under this item;

10. Requests the Chairman of the Sub-Commission at its forty-ninth session to report to the Commission at its fifty-fourth session on significant aspects of the work of the Sub-Commission.